

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JAMIL COOPER,**  
**Plaintiff**

**v.**

**MARK GARMAN, et al.,**  
**Defendants**

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**No. 1:19-cv-02227**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 3rd day of September 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion for summary judgment (Doc. No. 56) is **DENIED**;
2. Defendants' cross motion for summary judgment (Doc. No. 64) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - a. Defendants' motion (Doc. No. 64) is **GRANTED** with respect to Plaintiff's claims against Defendants Garman and Wetzl, and the Clerk of Court directed to defer the entry of judgment in favor of Defendants Garman and Wetzl until the conclusion of the above-captioned action;
  - b. Defendants' motion (Doc. No. 64) is **DENIED** with respect to Plaintiff's First Amendment retaliation claim against Defendants Kauert and Muthler and Fourteenth Amendment retaliatory due process claim against Defendant Pilosi;
3. The above-captioned case is **REFERRED** to the Court's Prisoner Litigation Settlement Program;
4. Joseph Barrett, Esq., the ADR Coordinator for the Middle District of Pennsylvania, is **APPOINTED** to serve as mediator;
5. All settlement discussions are confidential and may not be utilized by any party if settlement is not reached;
6. In order to reduce cost, time, expense, inconvenience, and to suitably address institutional security concerns, counsel for the Defendants and the mediator will coordinate with officials for the Pennsylvania Department of Corrections to schedule video-conference mediation sessions with Plaintiff at mutually convenient times, and in a manner that comports with the needs and concerns of prison officials;

7. The parties shall complete mediation within sixty (60) days of the date of this Order;  
and
8. The parties and the mediator shall promptly notify the Court in writing if this case is  
resolved through mediation.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania